

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

MARK SHEA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:13-cv-00065-jgm
)	
TOWN OF ST. JOHNSBURY,)	
KEVIN ODDY, TOM MOORE,)	
JEFFREY MOORE, and)	
ALAN RUGGLES,)	
)	
Defendants.)	

RULING ON PLAINTIFF'S MOTION TO REMAND
(Doc. 25)

Plaintiff Mark Shea filed this case in state court on April 17, 2013. On April 26, 2013, the Defendants jointly filed a notice of removal under 28 U.S.C. §§ 1441 and 1446 based on Shea's allegation of a violation of 42 U.S.C. § 1983. (Doc. 1.) Shea moved to remand his state law claims and stay his federal claim, asking this Court to decline supplemental jurisdiction under 28 U.S.C. § 1367. (Doc. 25; Doc. 40.) The Defendants jointly filed a memorandum in opposition. (Doc. 35.) For the following reasons, the Plaintiff's motion is DENIED.

Because Shea brought a § 1983 claim, federal question jurisdiction is proper in this case. Ford v. Reynolds, 316 F.3d 351, 353 (2d Cir. 2003). A district court's exercise of supplemental jurisdiction over state law claims is discretionary. Shahriar v. Smith & Wollensky Rest. Grp., Inc., 659 F.3d 234, 243 (2d Cir. 2011). If necessary for resolution of the case, the Court will therefore consider, in its discretion, any pertinent state law issues arising from a "common nucleus of operative fact" as the § 1983 claim. Id. at 245 (internal quotation marks and citation omitted).

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 5th day of November, 2013.

/s/ J. Garvan Murtha
Honorable J. Garvan Murtha
United States District Judge